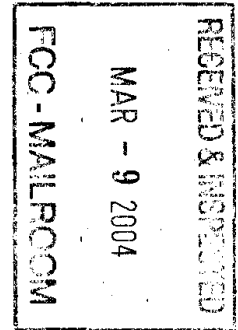




Federal Communications Commission
Washington, D.C. 20554

March 4, 2004

Mr. Dana J. Puopolo
2134 Oak Street, Unit C
Santa Monica, California 904405



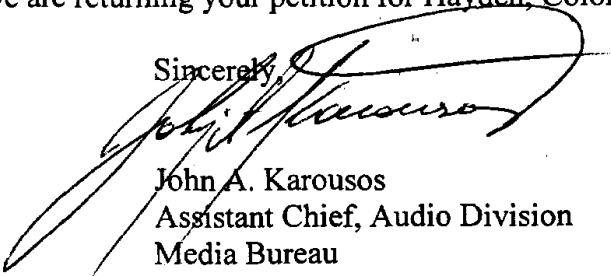
Dear Mr. Puopolo:

This is in response to the petition for rule making and amendment you filed proposing the allotment of Channel 289C2 at Hayden, Colorado.

Initially, you requested that Channel 289C2 be allotted to Hayden, Colorado, with a site restriction of 15 kilometers (9.3 miles) northeast of the community (40-35-24 and 107-08-06). However, on January 28, 2004, you amended your petition for Hayden to specify a new site. Your petition, as amended, has been reviewed and found to be unacceptable for consideration. The newly proposed site for Channel 289C2 is 13.9 kilometers north of the community (40-36-45 and 107-18-02). A staff analysis indicates that from the new site there will be a terrain obstruction sufficient to block the 70 dBu city grade contour over the community of Hayden. Although the allotment of Channel 289C2 at Hayden complies with Section 73.207(b) of the Commission's Rules, it does not comply with Section 73.315 to provide a 70 dBu contour over the entire community.

Based on the above discussion, we are returning your petition for Hayden, Colorado.

Sincerely,



John A. Karousos
Assistant Chief, Audio Division
Media Bureau

Enclosure

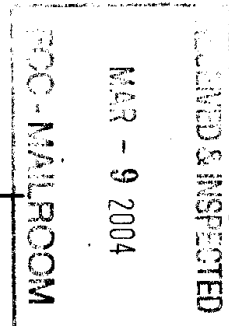
Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

**Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(Hayden, Colorado)**

)
) **RM-**
)
)

TO: Chief, Allocations Branch



AMENDMENT TO PETITION FOR RULEMAKING

1. Dana J. Puopolo ("Petitioner") files this amendment to Petitioner's earlier filed rulemaking, seeking allocation of Channel 289C2 to Hayden, Colorado. Specifically, Petitioner requests a new allocation point. Petitioner requests that the Commission use the following allocation point: 40° 36' 45" N, 107° 18' 02" W in lieu of the allocation coordinates 40° 35' 24" N, 107° 08' 06" W requested in his initial Petition for Rulemaking and subsequently used in the reservation of the channel in the Commission's database.
2. Good cause exists for the requested change in allocation point. The public interest benefits in changing the allocation point are set forth in the Petition for Rulemaking filed by Laramie Mountain Broadcasting, LLC ("LMB"). LMB also requests allocation of channel 289C2 to Hayden, Colorado, but at allocation point 40° 36' 45" N, 107° 18' 02" W. For the same reasons stated by LMB, Petitioner also supports use of the allocation point proposed by LMB. A copy of LMB's Petition for Rulemaking is attached.
3. Petitioner affirms his intent to apply for a construct permit if the Channel is allocated to Hayden as proposed. If his application is granted, he will promptly construct and operate the proposed station.

Petitioner hereby verifies and affirms that the statements given in this Petition for Rulemaking are his and are accurate to the best of his knowledge.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Dana J. Puopolo".

Dana J. Puopolo
2134 Oak Street, Unit C
Santa Monica, CA 90405
January 14, 2004

CERTIFICATE OF SERVICE

I, Dana J. Puopolo, hereby certify that I have sent this 28th day of January, 2004, by first-class, postage prepaid, U.S. Mail, copies of the foregoing AMENDMENT TO PETITION FOR RULEMAKING to the following:

**Mr. John A. Karousos
Assistant Chief, Audio Division
Office of Broadcast License Policy
Federal Communications Commission
445 12th Street, S.W., Room 3-A266
Washington, D.C. 20554**

**A. Wray Fitch III
Gammon & Grange, P.C.
8280 Greensboro Drive, 7th Floor
McLean, VA 22102-3807**

**Dana J. Puopolo
2134 Oak Street, Unit C
Santa Monica, CA 90405**